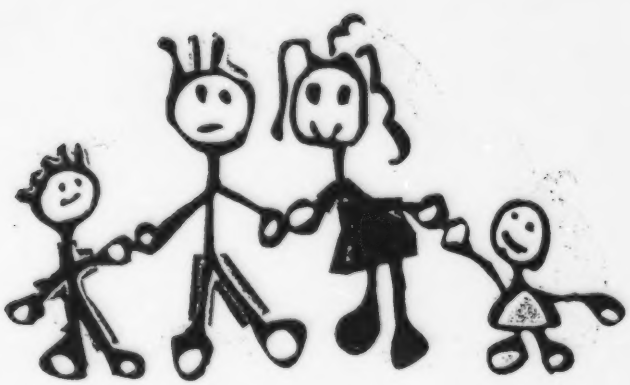
A Review of the Office of
The Children's Advocate



Prepared for
The Minister of Children's Services
June 2000

Chan Durrant Ltd.

ACKNOWLEDGEMENTS

In carrying out this review, we felt a huge sense of responsibility. The issues surrounding advocacy for children are complex, emotional and value laden, and the recommendations from this review have important real world implications for vulnerable young lives.

At all times, we worked at staying focused on what would be best for Alberta's children and youth. We especially want to thank the young people who helped us do this by sharing the stories of their lives and their involvement with the systems they rely on to educate and care for them.

We also want to thank the many professionals, volunteers and foster parents who contributed their ideas and suggestions. We were particularly impressed by the people who work with very challenging young people in strained situations, and who still remain child focused and committed. And finally, we owe thanks to all those who helped organize our consultation meetings around the province. Your cooperation was great, and your help was vital.

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Hope for a Just Future

There is a great force that pushes me onward, guiding my quest for justice and unity. This strength to seek what is good is based on my cultural beliefs and spiritual values passed on by my elders. It is the collective wisdom of my people, which has survived in spite of centuries of hardship and neglect, which gives me hope that my children and my children's children will also walk in a proud manner.

I have been told by respected Elders to walk softly on Mother Earth, to look and think twice before acting, to read in the book of nature the signs and symbols that give direction to life. From Elders I have learned the meaning of the four directions and the four colours that represent the Sacred Circle of Life.

I know that the braided Sweetgrass is a symbol of the unity of mind, body and spirit and that the sweet incense of the grass purifies the air that we breathe, so we may speak the truth, humbly.

I have been taught that the Eagle lives in all of us. I believe that we all possess the strength to survive, the courage to soar high in search of wisdom, the patience to learn and listen, and the clarity of vision to see right from wrong.

I believe that the Great Spirit, the Creator, has given all of these gifts to us, so we may learn to live in harmony with ourselves and our neighbours and in harmony with the land to which we belong.

It is this strength, which I find in the wisdom of the Elders and in the innocence of the children, that gives me the hope for the future of justice based on love, trust and understanding, which forms the foundation of unity.

This prayer was offered by an Elder to open one of our consultation meetings with Aboriginal people in northern Alberta. It provides meaningful reflection on justice, love, trust, understanding and hope for children's futures. These are themes which are at the very heart of child advocacy, and we want to thank those who made the presentation of this prayer an important moment in our meetings with people around Alberta.

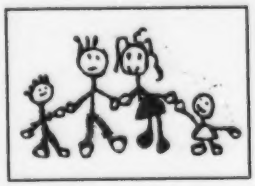
Chan Durrant

A Special Note to Readers

Youth Input

A very important part of this review was the input from the youth who attended meetings across the province. Most of these young people are in the child welfare system, and many were able to provide additional insights into their experiences in the young offender system and the education system. A separate "youth friendly" report has been prepared so that these young people can see that their input was valued and put to good use.

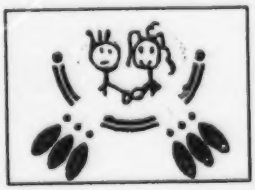
Within this document, readers can easily locate discussion of youth input by looking for this graphic symbol.



Aboriginal Children and Youth

This review included substantial input from representatives of Aboriginal organizations, and a great deal of thought was given to the advocacy needs of Aboriginal children. Many of the issues and recommendations discussed in this report are important to all children, including Aboriginal children. This is because Aboriginal children have the same rights, and deserve the same respect, as all Canadian children. Readers interested in sections where there is specific discussion of Aboriginal children will find the following symbol helpful.

Within this document, readers can locate discussion of issues specific to Aboriginal children by looking for this graphic symbol.



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A Review of the Office of the Children's Advocate

Prepared for the Minister of Children's Services
by Chan Durrant Ltd., June 2000

Executive Summary

Purpose and Process

This review was carried out with the mutual agreement and support of the Children's Advocate and the Minister of Children's Services. After its first decade of service, there was a need to explore possible changes to the mandate of the Office of the Children's Advocate, and to look at how that mandate should be carried out to make the greatest possible contribution to Alberta's children.

Specific terms of reference guided the inquiries, and the review was conducted as an open and inclusive consultation process. Child and youth focused organizations and concerned individuals across Alberta provided input. Young people accessed with the assistance of the Child and Family Services Authorities (CFSAs), added their thoughts and experiences. Meetings and interviews included representation from a broad cross-section of organizations that work with high needs children in the province.

In total, the review team attended 105 meetings with 848 adults and youth in towns and cities across Alberta. Thirteen people were interviewed by phone including children's advocates in British Columbia, Saskatchewan, Manitoba and Ontario. Thirty one written submissions were received by mail or through a special e-mail address established for the review.

Input

The Office of the Children's Advocate currently reports to the Minister of Children's Services, and works with children who are receiving services under the Child Welfare Act. The Children's Advocate assists individual children when either the child, or a concerned adult, complains that the child welfare system is not adequately considering the child's rights, interests or viewpoint when decisions are made. The mandate of the Children's Advocate also includes systemic advocacy,

and within that role, the Advocate draws attention to needed improvements in the child welfare system.

A very large majority of the adults and youth who contributed to this review felt there was a strong need for advocacy in child welfare, and wanted to see advocacy services greatly expanded to cover other groups of children and youth. While being quick to support dedicated and concerned staff, participants in this review tended to see a wide range of youth oriented services as being:

a) very confusing, insensitive and unfriendly places for children and youth with problems, and/or

b) prone to making enough mistakes or errors in judgement that it was important to have a third party back-up to review decisions and make sure that children's rights and interests are protected.

There was a widespread belief that large systems tend to lose their intended focus and become more and more concerned with budgets, procedures and the needs of the organization rather than the needs of the children. There was also substantial concern that factors like excessive workloads, high turnover and burn-out combined to diminish the quality of service provided by staff who are otherwise committed to children. And, there was recognition that occasionally children are put at risk by the inappropriate or harmful conduct of people who are supposed to care for them.

Recommendations

This review recommends that Alberta's Office of the Children's Advocate embrace a new way of thinking about its potential contribution, and be given a much broader role. This new approach would allow the Children's Advocate to use a reasonable budget increase to greatly multiply the number of children who are supported by its services. This new vision of the Office is based on a strong endorsement of its current work, and a clear message that groups of children outside of child welfare need similar protection. It is also based on the belief that the responsibility of the Children's Advocate should extend to providing leadership. As a leader it should promote the concept of advocacy for children, and be a catalyst for advocacy by families, organizations, and communities.

The recommendations that would result in this enhanced approached to children's advocacy are presented in six parts.

Under these recommendations, the Office of the Children's Advocate would address the advocacy needs of all "at risk" children in Alberta. In some cases, this would be handled as it is now handled in child welfare, i.e., staff of the Children's Advocate would intervene directly to support the child. This would be reserved for children with the greatest need. For other children, the Children's Advocate would work for systemic improvements, and in individual cases, encourage and facilitate the advocacy efforts of youth, families and community organizations.

Part 1 – Mandate for Individual Advocacy
(Direct Intervention by Staff of the Children's Advocate)

It is recommended that the groups of children served directly by staff of the Children's Advocate be expanded beyond child welfare, but be limited to children who are a) at high risk, b) unlikely to have access to effective parental support, and c) receiving, or in need of, a high level of government intervention or support to ensure their current and future wellbeing. This expansion should be a gradual process with ample input from service providers, and careful consideration of the practical and legal limitations that may be involved. The recommended groups for inclusion are: children being considered for entry into child welfare, children in child welfare, high needs homeless and street youth, young people apprehended under child prostitution legislation and young offenders. Also, in certain circumstances, the Children's Advocate could take on exceptional cases outside of these categories.

Part 2 – Quality of Individual Advocacy

It is recommended that all children and youth covered by the Children's Advocate's mandate for individual advocacy should be able to benefit from the Advocate's services, and that no organization should be allowed to be exempt. It is also recommended that the Children's Advocate improve the quality of its services by refining its operating procedures based on feedback provided to this review.

Part 3 – Support for Individual and Community Action

It is recommended that the Children's Advocate extend its support to all at risk children by encouraging and facilitating the advocacy efforts of youth, families and community organizations. This should be done through a web-based and telephone system, and through funding of pilot projects that explore ways to improve the contribution of natural advocates.

Part 4 – A Voice for Children Within Organizations

It is recommended that the Children's Advocate proactively interact with children in the care or custody of specific organizations or facilities. This would allow the Advocate to stay in touch with, and report, the viewpoints and concerns of these children. This work would help to ensure that children are receiving fair and reasonable treatment, and that organizations have internal advocacy and complaint mechanisms that their young clients trust.

Part 5 – Awareness and Access

It is recommended that the Children's Advocate have additional offices in rural and northern Alberta, and that it takes steps to build closer relationships with Aboriginal communities. It should also have a much improved communications capability to ensure that all concerned youth, parents, volunteers, professionals and foster parents understand its services and how to access them.

Part 6 – Systemic Leadership

It is recommended that the Children's Advocate be a more visible and more credible voice for children, and have a broader role in contributing to improvements in all systems that affect their wellbeing. This should be accomplished by:

a) extending the Advocate's mandate for systemic change to include the full network of systems that affect children and youth;
b) providing the ability to investigate, report on, and make recommendations on all provincial government systems and all important issues that impact the wellbeing of Alberta's children, and to require organizations to provide information on how they are responding to the Advocate's recommendations; and
c) having the Children's Advocate report to the Legislature in a manner similar to the Ombudsman and Auditor General.

It is also recommended that the Children's Advocate be part of a credible, independent system to review children's deaths and serious injuries. The goal would be to prevent these tragedies when they can be impacted by policies and programs that are under the direction of the provincial government.

Section I – Purpose and Context

INTRODUCTION

This review was carried out with the mutual agreement and support of the Children's Advocate and the Minister of Children's Services. After its first decade of service, there was a need to explore possible changes to the mandate of the Children's Advocate, and to look at how that mandate should be carried out to make the greatest possible contribution to Alberta's children.

In its business plans for 2000 - 2003, the Alberta Government has made a commitment. That commitment is to help people to be self-reliant, capable and caring through supportive families and compassionate communities.

When you are young, there are few things that can cripple the feeling of self-reliance and personal strength faster than being treated as someone who is not worthy of respect. When someone who is vital to your happiness will not take the time to listen to you, and does not consider your rights and your point of view, it sends a clear and debilitating message that you are a second-rate human being. This is especially harmful if your young life has already been subject to abuse or neglect or racism, or if encouraging adults have been few and far between.

Families need to support children and youth through a caring upbringing. Sometimes they also need to provide support by stepping forward and saying to a school official or a service provider, "This is not right. My child deserves better.". A compassionate community is one that surrounds children and youth with people who are willing to speak up on their behalf. This is one of the greatest safeguards that children can be provided. A society needs parents and other relatives, neighbors, community volunteers, and health, education and social services professionals who all feel that advocating for the protection and fair treatment of children is their personal responsibility.

The Office of the Children's Advocate has a special level of responsibility in this larger picture of a compassionate community. As a group of professional children's advocates, they represent the high value Albertans place on protecting and supporting children. The Children's Advocate currently provides advocacy support to some of our provinces most vulnerable children. They work with the

approximately 13,000 children aged 0 - 17 within the child welfare system, which includes a disproportionately high number of Aboriginal young people.

This review recommends that Alberta's Office of the Children's Advocate embrace a new way of thinking about its potential contribution, and be given a much broader role. This new vision of the Office is based on a strong endorsement of its current work, and a clear message that groups of children outside of child welfare need similar protection. It is also based on the belief that the responsibility of the Children's Advocate should extend to providing leadership. As a leader it should promote the concept of advocacy for children, and be a catalyst for advocacy by families, organizations and communities. If the recommendations of this review are adopted, the Office of the Children's Advocate will:

- be a credible, highly visible and effective voice for children in the improvement of all services for children under the direction of the provincial government;
- encourage and support the child advocacy efforts of organizations serving high needs children and other community organizations concerned with children's issues;
- work to ensure that individual agencies and institutions respect the rights, interests and viewpoints of children and have internal advocacy and complaint procedures young people trust;
- have a significantly expanded mandate for individual case advocacy;
- have additional offices closer to the communities it serves in rural and northern Alberta;
- build closer relationships with organizations serving high needs children;
- build closer relationships with First Nations and Metis Settlements;
- use telephone and website service to ensure that all young people, and adult assisting them, have the information and coaching they need to be effective advocates.

The large numbers of Aboriginal children receiving care and support from government services is a special concern. These children are part of the continuum of Aboriginal culture. Some are comfortable with traditional ways and have spent much of their lives in First Nation or Metis communities. Others have spent their whole lives in urban environments with friends and neighbours who represent the full range of Canada's ethnic mix. And many Aboriginal children have experience in both Aboriginal and non-Aboriginal worlds. This review calls for approaches that recognize this continuum, and the different

ways in which the mainstream culture and traditional Aboriginal cultures may view the process of advocacy.

Underlying this larger and changed vision of the Office of the Children's Advocate is the reality that the Advocate's staff cannot do the whole job themselves. Through this review, the people who work with troubled young people in Alberta clearly stated that children and youth who need advocacy are found in all settings where organizations make decisions that substantially effect the current and future wellbeing of children. This includes tens of thousands of children, some of whom live in very remote areas. This review considers when it is best for the Children's Advocate to provide direct individual advocacy, and when it may be more valuable for the Children's Advocate to encourage and equip others to act as advocates. Another way to look at this is to ask if the role of the Children's Advocate is to a) be an effective advocate for children, or b) ensure that children have effective advocates. This review has concluded that the best way to serve children is to do both. The challenge is to lever the affect of advocacy programs so that the number of children who benefit from the Children's Advocate is multiplied many times greater than the factor by which funding is increased.

The Importance of Independent Advocacy for Children

Advocacy for children and youth is needed for at least four reasons.

- First of all, as Canadians and Albertans we value children and the potential represented by each one of them. We have standards for how children should be treated. We want the confidence and capacity of our children to be built up, not beat down. Even in cases, where young people have broken the law, we understand that there is a line between appropriate and inappropriate treatment, and we place rehabilitation ahead of simple punishment.

- Secondly, we must acknowledge that professional, political and official views of what is right for children are subject to continuous change. It was a very short time ago in our history that residential schools were considered the right thing to do for children of First Nations. Now we understand that this was a tragic mistake, and a mistake that could have been avoided if someone had taken the time to listen to the children. Today, the debates continue around policies for foster families and adoptions, the best ways to deal with young offenders, and the best treatments for all kinds of behavioural and mental health problems. What we believe about

many of these issues today may not be what we believe in ten years. However, what we should always believe is that it is right to listen to the children involved, and when they cannot speak for themselves, to try and do everything possible to see the situation through their eyes. This applies to decisions made about individual children, and to decisions made about the systems that serve them.

- Thirdly, we all know that organizations often lose focus on their clients. Everyone has had the maddening experience of dealing with a business that doesn't seem to care about its clients or customers. As consumers, we have all confronted staff who are poorly trained, policies that make no sense in certain cases, and people who seem to have no sympathy for our complaints. It is one thing to deal with these frustrations when you are a capable adult, and the issue is car repairs or a billing mistake. It is quite another when you are a child or teen who feels powerless, and the organization involved can take you from your home and your friends, block access to education, or make you live somewhere that frightens you. Organizations that have powerful roles in the lives of children can, and often do, lose focus on these children. It is all too easy for adults in authority to become distracted by their own organizational concerns such as budgets, policies and staff workloads.

- And finally, when children's lives are involved, there needs to be checks on the conduct and decision making of individual staff and managers. This is not an insult to the many committed people who work with children, and who do wonderful work. It is simply reality. Sometimes employees are victims of the systems they work in. They may, for example, be poorly prepared for complex decisions they are asked to make, and have inadequate back-ups. Sometimes employees are ill suited to their roles due to inexperience or burn-out. There are times when people simply make mistakes. And unfortunately, there are times when conduct is unethical or a violation of policies put in place to protect clients. Because managers, and ultimately Minister's of the Government, have such a high responsibility for the children involved, it makes sense to provide a place to turn to when a child's rights or best interests appear to have been violated.

Background on this Review

The review looked at the advocacy needs of all Alberta children. Information and insight was gathered during consultation meetings held across the province. Given the high proportion of Aboriginal children in the child welfare system, there was a concerted effort to include input from urban Aboriginal service providers and First Nations and Metis representatives in rural and northern areas.

For those not familiar with the Office of the Children's Advocate, it is important to clarify that it is currently directed by an individual designated as Alberta's 'Children's Advocate', this person reports to the Minister of Children's Services. The Children's Advocate works with a small administrative support group and fourteen staff advocates, based primarily in Edmonton and Calgary, who do the day to day work of the Office. It should also be clarified that in the context of this review, a child is someone under the age of 18.

Current Mandate

At previously mentioned, the current mandate of the Children's Advocate is limited to issues that affect children in the child welfare system. Within this mandate, the Advocate has two goals.

1. Individual Advocacy
To provide advocacy assistance to children who are receiving services pursuant to the Child Welfare Act and who require the assistance of an advocate to ensure due consideration of their rights, interests and viewpoints when decisions are made.

2. Systemic Advocacy
To identify issues and provide information and advice with respect to the nature, adequacy, availability, accessibility, effectiveness and appropriateness of services which are offered under the Child Welfare Act.

Possible Changes to the Mandate

There were two groups of factors that suggested it was time to review this mandate and possibly make changes.

1. Changes in Service Delivery
The structure of children's services in Alberta has undergone major changes in the last several years. The province now has a Ministry of Children's Services and it has been instrumental in revitalizing the

efforts focused on children and youth. As well, a new regional system of Child and Family Service Authorities has been established. One unique aspect of this regional system is a region designated for Alberta's Metis Settlements. In addition, progress continues with transferring children's services responsibility to First Nations.

2. Pressure for the Children's Advocate to Change

For a number of years, the Children's Advocate has had to turn down a significant number of requests for assistance because they fall outside its mandate. Concerned groups have called for the mandate to broaden to encompass high risk children outside of child welfare. In addition, there have been suggestions that as an agent working for improvements in services for children, the Advocate should have a role in reviewing the deaths of children who use those services. And finally, in some people's view, having the Children's Advocate report to a Minister of the Government does not give it the real, or perceived, independence from government that an official advocate should have.

With these things in mind, terms of reference for this review were established. They called for the review to:

- Be independent and open to input from youth in care and all other interested parties.
- Address the current and potential contribution of the Office.
- Examine the best means of protecting the interests of children most at risk including:
  - children at risk of involvement with the child protection system,
  - children receiving child protection services, and
  - children receiving services from other government departments.
- Make recommendations with respect to the scope and mandate of the Children's Advocate, including its role in systemic and information gathering processes, and its role relative to Fatality Inquiries and Special Case Reviews.
- Examine advocacy models in other jurisdictions including roles, mandates, funding and reporting relationships.
- Examine the role of natural advocates, including the use of community advocates and volunteers, and the development of advocacy networks.

THE MEANING OF THIS REVIEW FOR CHILDREN AND YOUTH

The preceding sections provide a fairly unemotional, adult view of the rationale for this review. However, when seen through the eyes of children and youth, advocacy is anything but unemotional. Before moving into the remainder of this report, it is worth a few minutes to consider what advocacy means to young people caught up in government services.

This point will be discussed more later, but one of the most striking observations in this review was how great the gap is between child welfare workers and the young people they are supposed to protect and assist. For young people capable of expressing their views, the bottom line is that they are regularly treated with disrespect, and that they have no one to turn to when they disagree with the decisions that affect them. This was true for the majority of youth interviewed in this review. There are great foster parents, social workers and agency workers who build strong and positive relationships with young people. However, there are also far too many children and youth who feel they are treated with gross disrespect, and who simply do not trust the adults they are supposed to rely on.

It should be remembered that for a young person to call an outside professional advocate, they have to be willing to seek help from someone they don't even know. Why would they do that? If they are in the child welfare system, they are supposed to be cared for by people who are trained to build relationships with troubled young people. They are supposed to be surrounded by people who are already focused on their wellbeing and best interest. So why is there no one close at hand whom they can trust to help them through a problem?

Yes, some children will call the Children's Advocate because they are skilled manipulators who see it as a way of getting around or intimidating the staff who are responsible for their care. And sometimes, the issue they raise seems trivial to the adults involved. But after reviewing the case records of the Children's Advocate, interviewing the advocates in other provinces and talking to over one hundred young people in child welfare, it is clear that the great majority of individual advocacy cases are important matters in the lives of those children and youth.

Here are a few of the situations that result in young people reaching out to an advocate. They are based on the discussions with youth and the case observations that were part of this review.

Feeling that you need the help of an advocate can mean –

- Feeling like people you don't know or trust are manipulating your life without caring enough to consider how you feel about it.
- Feeling frustrated and angry because people are making a big change in your life that you know in your heart is wrong.
- Feeling heart broken and afraid because you are being forcibly removed from foster parents and friends you care about.
- Feeling helpless and depressed because your social worker has all the power, and is too busy or too concerned with the rules to care about you.
- Believing that you simply can't trust your social worker or the staff of your facility because if you raise a concern they will either ignore you or turn against you for speaking out.

When younger children, or severely disabled children, are brought to the attention of the Children's Advocate, it is usually because a professional or foster parent has called the Advocate on their behalf. With these children, the systems that are supposed to help them again show a very "child unfriendly" side. Concerned adults are left worried that children are not getting assessments, supports or treatments they need, and that decisions that are not in a child's best interest are made because workers are inattentive, inexperienced, poorly trained, or tied up by regulations or a lack of services.

Section II – Sources of Input and Findings

The Process of this Review

This review was conducted as an open and inclusive consultation process that invited child and youth focused organizations and individuals across Alberta to have input. Young people accessed with the assistance of the Child and Family Services Authorities (CFSAs) added their thoughts and experiences. Meetings and interviews included representation from a broad cross-section of the organizations that work with high needs children in the province.

> In total, the review team attended 105 meetings with 848 adults and youth in towns and cities across Alberta. Thirteen people were interviewed by phone including children's advocates in British Columbia, Saskatchewan, Manitoba and Ontario. Thirty one written submissions were received by mail or through a special e-mail address established for the review.

A closer look reveals the following:

Regional Consultation Workshops and Youth Focus Groups

Regional consultation workshops were held in 18 locations. Participants typically represented Child and Family Service Authorities, local agencies working with high risk and high needs children, local schools, and foster parents. Generally, two such workshops and one youth focus group were held at each location.

- 463 adults representing dozens of organizations participated.
- 107 youth in the child welfare system provided input (approximately half were Aboriginal, and nearly half also had experience in the young offender system).

The regional consultation meetings typically asked people to consider questions in four main areas: 1) individual advocacy in child welfare, 2) systemic advocacy in child welfare, 3) possible extensions of individual advocacy to other groups of children, and 4) systemic advocacy for other groups of children. This discussion was guided by the handout in Appendix I.

The youth discussions were focus groups and individual interviews directed by the guide included in Appendix II. The discussions with youth concerned a) their experience in the systems that have affected their lives (primarily child welfare, young offender, and school), and b) who they typically turn to for support and advocacy. If they had previous involvement with the Children's Advocate, they were asked to discuss their experience. The youth we talked to were usually selected by the regional Child and Family Service Authority, and a member of the review team either visited a facility or the young people were brought in to a central meeting point. There was concern that this might result in a biased selection of youth who had positive views of the system, but this did not appear to be the case.

Other Consultations and Written Submissions

In addition to the regional consultations, meetings and interviews were held with government departments, professional organizations, specific agencies, and other stakeholder groups. Most of these meetings were held in Edmonton and Calgary. See Appendix III for a complete listing. All individuals and groups were encouraged to make written submissions if they chose, especially if they could not participate in an interview or meeting.

- 259 adults were consulted in meeting outside of the regional consultations
- 19 youth gave input
- 31 written submissions were received

Aboriginal Input

The regional consultation workshops, as well as other consultations discussed above, included input from Aboriginal stakeholders. In addition, 17 special consultation meetings with an Aboriginal focus were conducted in 10 locations, and telephone interviews were completed for seven other locations.

- 87 people representing a variety of agencies and interests attended the special Aboriginal meetings.
- Approximately 80 Aboriginal participants were an integral part of the regional workshops.
- 10 Aboriginal representatives were interview by telephone.
- Approximately half of all the participating youth were Aboriginal.

Review of Documents

A number of documents relevant to this project were also reviewed. Some of these documents provided understanding of the history and development of the Office of the Children's Advocate. Others dealt with important issues in the field of advocacy for children. For those who want to extend their reading beyond this document, a list of suggested articles and publications is included in Appendix IV.

Comments on Negativity

Participants in this review (both adults and youth) directed a great deal of criticism at the network of services that impact high risk children. This was especially true of the education system, the child welfare system, the mental health system and the young offender system.

In preparing this document, the review team had to carefully consider how to report this negative input. There was concern that the negative input may not be a true reflection of these systems, and may prove demoralizing to the many people who work hard to make positive contributions.

The review was not a controlled and measured study of the level of professional and client satisfaction with these systems. Consequently, it is not possible to say what percentage of a true random sample of child welfare clients and youth serving professionals would have expressed the kind of dissatisfaction that our review participants expressed. It is also important to point out that this was not an attempt to validate or disprove criticism. For example, when agency professionals and foster parents reported that inexperienced social workers made bad judgements about cases they were ill-equipped to handle, there was no attempt to determine the number of cases where this was true.

Another important factor to note is that people came to these meetings and interviews to talk about advocacy. This means that the focus was on situations when people feel things have gone wrong, and children's rights, interests and viewpoints have not been considered appropriately. In summary, there are reasons to be cautious about interpreting this negative input.

Having raised these cautions, the fact remains that this review team heard from a very large group of people who are in a position to know how these systems help or harm high risk

children and youth. These people had very negative things to say, and their comments were consistent across the province. The review team consequently decided to report their views "as is", and to try to give as true a reflection of the input as possible. It is important for everyone concerned with these systems to hear what the review team heard. In the context of this review, the criticism clearly establishes why advocacy for children is needed. Even if the extent of the problems cannot be quantified, there is little doubt that the problems exist at significant levels. In the broader context, this criticism should be seen as a call for further investigation and major systemic improvement.

THE BIG PICTURE

A very large majority of the adults and youth who contributed to this review felt there was a strong need for advocacy in child welfare, and wanted to see advocacy services greatly expanded to cover other groups of children and youth. The majority of participants wanted to see advocacy services available to all at risk children in the province, and were very reluctant to chose who should and who should not be eligible for services from the Children's Advocate. Time and time again the review team heard people say that they could not put one deeply troubled child at a higher priority than another deeply trouble child, just because they were in a different service system.

The concerns of consultation participants included:

- young people being assessed for entry into the child welfare system;
- young offenders;
- homeless and street youth seeking services (i.e., youth without parental support);
- youth whose families receive income support (re: children's basic food and shelter);
- youth with mental health problems;
- children involved in guardianship cases, and divorce and custody battles;
- handicapped and disabled children; and
- youth apprehended under prostitution legislation.

The biggest surprise was the high level of concern for young people in schools. Schools are seen as making critical decisions about the futures

of young people with disabilities and behaviour problems. People working in children's services think these young people need advocates who can help them and their families deal with school systems that either do not meet their needs, or unjustly cut off access to education when students are troublesome.

While being quick to support dedicated and concerned staff, participants in this review tended to see a wide range of youth oriented services as being:

a) very confusing, insensitive and unfriendly places for children and youth with problems, and/or

b) prone to making enough mistakes or errors in judgement that it was important to have a third party back-up to review decisions and make sure that children's rights and interests are protected.

There was a widespread belief that large systems tend to lose their intended focus and become more and more concerned with budgets, procedures and the needs of the organization rather than the needs of the children. There was also substantial concern that factors like excessive workloads, high turnover and burn-out combined to diminish the quality of service provided by staff who are otherwise committed to children. Also, there was recognition that occasionally the people working with children because their conduct is inappropriate or harmful, put children at risk.

The bottom line is that many people would like to see the Office of the Children's Advocate available to all Alberta children. Large numbers of children will at some time confront high risk situations and problems, and have to deal with organizations that can impact their health, happiness and future. Having said this, there was discussion of the following key questions (and counter questions) that challenge whether a greatly expanded role for the staff of the Children's Advocate is the best way to protect the interests of children.

1. When organizations become a problem for the children and youth they are supposed to serve, should the government provide a large number of children's advocates, or should they work to overhaul these organizations and required them to become more child focused? (Counter question: Is it possible to make these large services child friendly?)

2. If you want to protect the rights and interests of young people, should you provide advocates in all areas, or should you work to surround kids with parents, teachers, coaches and others who believe that it is their responsibility to speak up for the child and make sure they get what they need? (Counter questions: Is it reasonable to expect new immigrants, parents with serious problems, or even the average person to have the time and knowledge to deal with complex rules, appeal processes, etc.? What supports would these natural advocates need, and what would that cost?)

3. When children have parents, should we take the responsibility away from those parents by providing advocates in places like schools? (Counter question: Does access to advocates from the Children's Advocate help parents fulfill their responsibilities because they are also intimidated and confused by schools and government systems?)

4. Instead of providing more advocates, wouldn't it be better to provide more front line counselors who are there to help children in schools and communities? (Counter question: Even if you had additional counselors, wouldn't children still need the protection provided by an advocate?)

5. Would the staffing needs and cost not be prohibitive if you open up the mandate to all children at risk? (Counter question: The demand may not be that big, and besides, aren't our children worth it?)

So, the big picture is that this review could conclude with a simple solution that would please a lot of people. This simple solution would be to provide direct services from the Children's Advocate to all at risk children and youth. However, this simple answer might not be the best answer. For example, it would not adequately consider fundamental needs such as building the advocacy skills of teens, families and communities. And, by itself, it would not make organizations more child focused and child friendly. We also need to ask "What is the unique and valuable contribution a Children's Advocate makes?". Currently, this contribution is the Advocate's ability to give very high needs children time and respect, and the advantage of the Advocate's knowledge of the system. The last thing we want to do is expand the Advocate's services in a way that leaves them under funded or over-extended. High risk children in Alberta do not need another group of people who do not have time to listen and to help! They already feel that they are surrounded by such people.

Specific Issues in the Review

Having considered the "big picture", it is important to examine the more specific issues that are central to the review. In each case, this report summarizes:

- the issue;
- the relevant youth input;
- the adult (professional and volunteer) input; and
- additional considerations identified by the review team.

Issue #1 – Perceived strengths and weaknesses of the Children's Advocate's current role in individual advocacy in child welfare

Youth input

- Youth strongly supported the concept of having advocates they can turn to for help.
- While social workers and agency staff stress their concern for these young people, there is a huge gap between how these adults see the system and how youth see it. The majority of youth see the child welfare system as a hostile, rule-bound and uncaring environment where adults have lots of authority, but very little time or respect for kids. For example, a number of the youth complained that social workers won't even return their phone calls.
- There were exceptions with some young people reporting a positive child welfare experience due to a strong relationship with either a foster parent, a social worker or an agency staff member.
- Many young people reported that major decisions were made about their lives (e.g., access to family, living arrangements) without keeping them informed, and without adequately paying attention to their needs or wishes. A number commented that they felt their placement or prolonged retention in group homes and treatment facilities had made them more resentful and angry.
- Youth who had used the Children's Advocate tended to be very complimentary regarding the person who had helped them and the service provided. A few youth felt the Advocate was ineffective because they had been unable to help their situation.
- It was clear that some workers and organizations make sure that their clients know about the Children's Advocate and others do not. A significant number of the youth had never heard of the Advocate, and a number of those who had, did not have a good understanding of the service.

Adult Input

- The vast majority of staff in the child welfare system support the need for the Children's Advocate, and understand that their system can be a difficult place for children.
- A significant number of child welfare staff have serious complaints about how the Children's Advocate handles cases. These complaints centre around confusion over expectations (what the Advocate should/should not do), inconsistency in how cases are handled, and the tendency for the relationship between advocates and social workers to become adversarial.
- Virtually all professionals and agency staff who work with child welfare children, but who are not directly in the child welfare system, strongly endorse the need for the Children's Advocate. While many of these people know very little about the Advocate (discussed below), they feel that child welfare can be a difficult and even harmful place for children, and that protection of children's right and interests is essential. Foster parents expressed the same view.
- The Children's Advocate has a major awareness/communication problem. Not including Child and Family Service Authority personnel, the majority of consultation participants had either never heard about the Children's Advocate or knew very little about it, even though they work extensively with troubled children.
- Some specialists working with disabled children and children with mental health problems feel that Advocates need better training to improve their work with these children.
- Some child welfare units appear to discourage referrals to the Children's Advocate. A small but significant number of staff from contracted agencies felt that their relationship with social workers was jeopardized by such referrals, or that their agency contract could be negatively affected if they called in the Advocate on too many cases. As well, a few child welfare social workers acknowledged that either they avoid contact with the Advocate, or that their supervisors discourage it.
- Rural and northern residents feel strongly that the Advocate personnel have to be more accessible to their communities, and more in touch with local service realities.

Additional Comments by the Review Team

There is no question that the individual advocacy service of the Children's Advocate, within child welfare, needs to be maintained and protected so that advocates have adequate time to devote to individual children and youth. The goal should be to refine the day-to-day work

of the advocates, and deal with the problems of awareness and location of personnel. It should be remembered that a likely outcome of boosting the awareness of the Children's Advocate would be an increase in requests for service.

Issue #2 – Strengths and Weaknesses of Systemic Advocacy in Child Welfare

Youth Input

- Not surprisingly, the young people had very little perspective on systemic issues. However, as mentioned above, they made it clear that they often dislike the immediate circumstances in which they live, and have strained relationships with social workers and facility staff. This reflects systemic problems within individual child welfare units and facilities.

Adult Input

- The Children's Advocate is seen as having the potential to have an important role in improving the child welfare system. However, it has a large credibility problem in this area.
  - Past annual reports are seen as "toothless" and largely ignored by government.
  - Most people would prefer a more independent reporting arrangement (i.e., to the Legislature rather than to a Minister). They suspect that the Advocate is not as free to speak out as they should be. They see the current Minister as more open to listening than past Ministers, but think the Advocate should not be quieted by future Ministers who may not be committed to children.
  - Many people feel the Advocate needs an investigative capacity to look into systemic issues, and the ability (like the Ombudsman) to request updates on whether or not the system is following up on the Advocate's recommendations.

- It was suggested that the Children's Advocate could play more of a role in helping organizations understand the perspective of the Aboriginal child in the system. This could be done in partnership with Aboriginal service providers, and would focus on Aboriginal values and beliefs, and reasons why so many Aboriginal children are in care and custody.
- Many people feel the Children's Advocate should work in partnership with the CFSAs. However, there is no consensus on how this should be done.

Additional Comments by the Review Team

The Department, the CFSAs, and the First Nation's authorities all have a role in improving the system. All of these groups can set standards, gather data, conduct research, consult stakeholders and work to re-think systems. The Children's Advocate makes a valuable contribution as a unique voice of children in the system. Its systemic role, in the future, should strengthen this unique contribution as it is made to both individual organizations and larger systems.

Issue #3 – Individual advocacy for Aboriginal children in urban centres

Youth Input

- Like most other youth in the system, these young people feel they have trouble being heard and respected.
- The urban Aboriginal youth did not seem concerned about whether an advocate assisting them was Aboriginal or non-Aboriginal as long as they listened to them and showed respect. Their biggest concern was that an advocate be effective.

Adult Input

- It was recognized that urban Aboriginal youth are very diverse. They include Metis, people recently from reserves, people who have lived in a city all of their lives, people who are close to their traditions, people who have little interest in traditions, people from other areas of Canada, people who are not comfortable in white culture and people who are very comfortable in white culture. It was felt that urban Aboriginal children and youth should have a choice of working with an Aboriginal or non-aboriginal advocate.
- There is a lack of awareness, understanding and trust. Many Aboriginal families fear the child welfare system, and sometimes the Children's Advocate is tarred with the same brush.

Issue #4 – Individual advocacy for rural/northern Aboriginal children

Youth Input

- Some of these children feel that being Metis or First Nations has not affected how the system treats them. Others believe that some caregivers see them as second rate. Receiving equal treatment and respect is an important issue to this latter group.

Adult Input

- Currently, many Metis and First Nation's children do not have realistic access to the Children's Advocate. There are problems with awareness, power struggles and politics, and the time and travel it would take for advocates based in Edmonton and Calgary to become known and trusted. Children in town, or in facilities, are more likely to use an advocate than children on reserves or Metis settlements. A number of people mistakenly believe that the Children's Advocate has no mandate on reserves.
- Building strong, understanding relationships with Aboriginal communities is seen as the prerequisite to any progress in providing advocacy for these children. This will be time consuming, and in some cases may not be possible.
- Understanding family and community dynamics and adapting to them is important. It would be helpful for the Advocate to explore alternate ways of handling their role that may be more compatible with specific Aboriginal communities.
- Having more Aboriginal advocates located in rural and northern areas is important, but being a good advocate is more important than being an Aboriginal advocate.
- Advocates attempting to work in Aboriginal communities must understand community and family dynamics.
- Some people believe that First Nations should have their own children's advocates. Many people see this as dangerous to children, and think it absolutely essential that the principle of having independent external advocates be maintained.

Additional Comments by the Review Team

No one appears to have the answer to how advocacy can be provided to children in communities that either distrust the Advocate or see all child welfare issues as the purview of the Nation. One concern is that Aboriginal communities may see advocacy in a very different way. In a traditional First Nation's view, the rights of the collective (e.g., to bring a child home to the reserve), may conflict with advocacy's underlying value for protecting the rights and interests of the individual. The Children's Advocate may have to be content with taking a patient, exploratory path to find ways to work in these communities. This may include being open to new approaches and partnerships with First Nations that show an interest, even if their view of advocacy is quite different than that of the Children's Advocate. The alternative to this kind of partnership and exploration is to ignore the advocacy needs of these children.

Issue #5 – Possible extensions to the mandate

As discussed earlier, participants in the consultation meetings felt there should be advocacy available to at risk children and youth in all of the following areas, and found it very difficult to accept that some seriously troubled children should benefit from advocacy while others should be excluded.

- child welfare (current mandate);
- young people being assessed for entry into the child welfare system;
- education system;
- young offenders;
- homeless and street youth seeking services (i.e., youth without parental support);
- youth whose families receive income support (children's basic food and shelter);
- youth with mental health problems;
- children involved in guardianship cases, and in divorce and custody battles;
- handicapped and disabled children; and
- youth apprehended under prostitution legislation.

Youth Input

- The young people that were interviewed had substantial experience with child welfare, the young offender system and with schools. While some of them undoubtedly had experience with learning disabilities, street life, prostitution and custody battles, they should not be viewed as a good sample of those specific populations or of young people with disabilities, handicaps or mental health problems.
- Youth who had been in locked facilities in the young offender system saw them as very harsh places where raising concerns could easily lead to additional punishment.
- Youth endorsed the view that the Children's Advocate should be available to young offenders. They see many parallels between life in child welfare and life for young offenders who are not with their parents, or whose parents are not helpful.
- Many of the young people had experienced serious problems at school, and felt that principals and teachers were short on help when they needed it, but very quick to expel them or block their admission once they had a bad record. They typically did not see their parents as being effective in helping in these situations.

- Some Aboriginal children felt that they were subject to racist attitudes at school and in the justice system, and were unfairly subject to police attention in urban areas, for example, if three or four of them gathered on a street.

Adult Input

- Many participants believed that children need advocates before they have an open child welfare file because getting a fair assessment of need and eligibility can be a problem. On many occasions, the view was expressed that the child welfare system works to block entry to children who have legitimate needs, and is prone to closing files prematurely. This is especially true for older teens, who appear to face many hurdles in getting care they need.
- There were only a few participants in our consultations who worked in the young offender system. Most of them felt that young offenders already have adequate protection through their lawyers and the Ombudsman. Youth workers outside the young offender system see it totally differently. They tend to view the young offender system as being at high risk for violation of rights, inappropriate behaviour by staff, a lack of concern for the individual, and a lack of concern for treatment (as opposed to punishment). They also see major problems in transitions between the young offender program and child welfare. And, they point out that lawyers are not readily available much of the time, and can be very ineffective in protecting a young person's rights and interests. They also point out that one of the biggest problems in working with young offenders is that parents are either absent or ineffective.
- Comments on the mental health area focused on systemic rather than individual issues. The main issue was the need to advocate for more and better services. A number of the children with mental health problems who have the biggest need for advocacy are already covered by the Advocate because they are in the child welfare system.
- The issue around guardianship and custody cases is the view that adults have lawyers when they fight over children, but that the child's view is not adequately presented to the court.
- Relatively few people commented on Alberta's youth prostitution legislation, but those that did saw a strong argument for advocacy because the system takes such profound control of the young person's life, even if it is only for a short period of time.
- Concerns for homeless youth were based on the fact that they effectively live without the benefit of parents while being highly reliant on government supports and services. For example, these young people can have trouble accessing basic medical and dental

care. They have to negotiate systems they find difficult without parents to represent their needs. Street level agencies play an important role in helping these young people get the services they need.

- The issue around income support is the belief that there is nothing more important to children than food and shelter. Therefore, if a Children's Advocate is supposed to be working for Alberta's children, they should advocate when children are living in inadequate accommodations, or are going hungry. This would apply in specific cases if it was believed that support to a family was too low, and it would apply systemically if support to a class of families was inadequate.
- People who worked with disabled and handicapped children felt very strongly that the Children's Advocate should assist families in accessing needed services, and in fighting for systemic improvement. It was pointed out, however, that the Advocate's best contribution might be to a) facilitate the efforts of parents and existing groups working for the disabled, and b) concentrate on improving its work with disabled children in child welfare. A major concern was children whose disabilities were not particularly visible, for example, Fetal Alcohol Syndrome.
- The single area that received the most attention was the need for advocacy in schools. Helping young people get the kind of education they need, and to stay in school, was seen as a logical step in a commitment to early intervention. Participants saw schools as very inflexible if students have special needs or difficult behaviour. It was frequently pointed out that students who do not fit well into the school mold are deemed to be at fault, even though many people now understand that current schools simply do not accommodate the normal range of children's aptitudes and learning styles. Many people working with troubled youth also pointed out that schools do not live up to their responsibility to educate students who have lived in dysfunctional families and consequently have difficult behaviours. Instead of getting serious about providing options that will assist these children, schools simply move them around and eventually remove them. Because of this, schools are seen as contributing to the large numbers of youth involved in child welfare and youth justice, instead of being an effective part of the solution.

Additional Comments by the Review Team

A number of the questions and counter-questions that relate to the issue of mandate extension have already been listed earlier in this report. **Perhaps the biggest question of all is "What kind of a Children's Advocate can most benefit Alberta's children?".**

Currently we have an Advocate that labors away relatively quietly, doing an important job of helping one segment of our most troubled children and youth. Based on this review, we conclude that most people working with troubled children have never even heard of this Advocate, or at least have no clear understanding of the Advocate's role or contribution. We also see that troubled young people actually exist in a network of systems. For example, a youth in child welfare may also be involved in the young offender program, may have FAS, may have seen his family go through court for a divorce and custody case, and been a user of schools and the health system. There are problems for children in all of these systems, but there is another equally important set of problems in how these system do, or do not, work together for early intervention, collaborative research, data gathering and problem solving, better referrals and transitions, and efforts to identify and fill service gaps. **It can be argued that Alberta needs a much more visible Children's Advocate with an all encompassing view of this system of systems and a respected role in advocating for improvements that cross system boundaries.**

If the mandate is expanded, it is important to give careful consideration to:

- absolutely protecting the Advocate's ability to give individual children time and attention;
- a manageable and paced timeframe for expansion;
- identification of the kind of personnel and the skill sets that will be needed for individual advocacy in other systems, and systemic advocacy across systems; and
- working with the players in other systems to work out the details of how advocacy should be introduced to their area.

Issue #6 – The possible contribution of natural advocates

Youth Input

- Youth responded in two ways when asked if they could remember situations where an adult had difficulties trying to help them get information or solve problems with child welfare, a school, or other systems. Some youth did not appear to have adults who they saw as trying to help them. Others did remember such situations and were able to describe how someone had stepped in on their behalf. In the latter case, the helping adult tended to be a relative or a foster parent (not counselors, teachers, coaches, etc.). When it was a relative, they tended to be ineffective, and the youth

complained that their social workers did not listen to these adults either. (Note: Social workers may have good reasons for not respecting the judgement of relatives in some cases.)

- When asked who they tend to turn to for help in dealing with problems with social workers, agency staff, school principals, etc., only a few mentioned adults, and most often they were a program staff member, a foster parent or an older sibling. Some youth said they talked to friends. The most common answer was that they had no one they trusted to help, and they tried to deal with problems themselves.

Adult Input

- Many foster parents feel that their views are not respected by social workers, and say they have trouble speaking up for the children in their care.
- Speaking up against institutions is very intimidating. This presents special problems for Aboriginal people, new immigrants and people with low literacy.
- Few people have the time and energy that it takes to walk a young person through a long debate and appeal process.
- Participants see value in the concept of natural advocates, and believe it is important to encourage parents, teachers, helping professionals, and others to help young people deal with problems at school, in child welfare, etc.. However, they see major limitations on what can actually be achieved. They point out that most people do not know how to effectively question or appeal a situation at school, with child welfare, or with another government service. For example, when school personnel attending the consultations described how parents could appeal a principal's decision, many other participants (who were both parents and professionals) said they had never heard of such a process before. The child welfare system is seen as particularly daunting for the lay person, and it was pointed out that many parents of troubled children and youth are the least able to advocate.
- It was pointed out that some types of children's concerns have developed effective groups of parent and volunteer advocates, but that these groups have limitations. They are only likely to form around certain children (primarily where educated and vocal adults have an interest), and are only effective in some areas of the province.

Additional Comments by the Review Team

Natural advocates can be the parents, teachers, workers and relatives who naturally surround young people as they go through life, or they

can be more formalized arrangements of such people in local committees or even registered societies. It should be recognized that there are powerful reasons why people do not want to do more than they do now when it comes to going to bat for children. If we wanted large numbers of Albertans to become more active as natural advocates, it would likely take a substantial and ongoing social marketing campaign to raise interest in the issue and show these adults how they can help. There would also be a need for information on how to work with these complex systems, and possibly training and other supports. This would mean dedicated staff and a substantial budget increase. Another approach would be to establish pilot projects to explore new concepts for local advocates on reserves, and in rural and urban communities. This would be time consuming.

The concept of using natural advocates seems to imply cost savings. However, from the child's point of view, it is vital for an advocate to be there when you need them, and to be effective in dealing with the powerful people and the complex rules and regulations you are up against. So, natural advocates have real limitations, and if they are given the supports they need to be effective and available, they may be surprisingly expensive.

One of the strongest possibilities we see for natural advocates is in providing an option for youth and families to turn to within a community (e.g., a reserve) or organization (e.g., CFSA, school division). Even with these natural advocates, it will still be essential for the Children's Advocate to exist as the independent third party and ultimate advocacy backup for these children. Another possibility is for the Advocate to encourage groups working for children to be more effective voices at the systemic level. British Columbia's advocacy program is just beginning a promising pilot project with this approach.

Issue #7 – Reviewing the Deaths of Children

Youth Input

The youth were not asked about this issue.

Adult Input

- It was clear that the great majority of people participating in this review had not considered this issue in any depth before coming to the consultation. There does not appear to be any significant concern among people working with children that the current system of reviewing children's deaths is flawed. On the other hand,

people simply do not understand the current fatality inquiry and special case review processes. For example, they often referred to the "Coroner" which does not exist in Alberta.

- It is apparent that child welfare social workers have concerns that the death of a child in care can result in a witch hunt with the intent of laying blame. There was also concern that social workers are given a huge responsibility, and then are treated unfairly if a child on their caseload dies. They felt there was a need for support and counseling, time off, and fair and respectful treatment for workers during a review process.
- In a number of consultation meetings, a member of the review team explained the issues in child death reviews by drawing out a comparison of the systems in Alberta and in British Columbia. This helped people clarify what they thought was important in these situations. There was support for the following principles.

  - All deaths of children should be investigated by a qualified independent organization when a government service played a significant role in determining that child's wellbeing. This would include all classifications under child welfare, mental health services, the young offender program, and children in living arrangements run or contracted by the government. If it was clear that a death was expected due to medical reasons, such an investigation would be brief.

  - The review of children's deaths should be credible, and factors that cloud that credibility should be eliminated. This includes eliminating the discretion regarding which deaths are investigated, and eliminating the possibility that a Department can cover up issues by conducting internal reviews.

  - The goal of such investigations should be the prevention of similar incidents in the future.

  - There should be a system to distribute findings and recommendations, and to make sure that recommendations are acted upon. There was concern that the regional system of children's services may mean that a death in one area of the province is not adequately reported to the other regions.

  - The only way to truly understand such deaths is for investigations to look at the whole of the child's life and not just the immediate circumstances of the death. This requires information gathering and interviews with teachers, family physicians, relatives and all care givers.

Other Comments by the Review Team

There are groups in the province who have been considering child death issues for some time, and who offer considerable expertise on this issue. There are groups in Calgary and Edmonton that include representation from the Medical Examiners Office, the police, prosecutors, the Children's Advocate and other key agencies. These groups meet specifically to discuss child death issues. The review team met with these groups and found that they believe there is a need for:

- a credible, independent, province-wide child death review system;
- clearer and more comprehensive definition of who is under government care;
- a mechanism to insure that recommendations are followed up,
- a multidisciplinary approach in investigations; and
- consideration of triggering investigations on serious injuries.

We are also aware that the Ministry of Children's Services has been revising the Special Case Review process, and that considerable thought has already gone into addressing concerns. We do not feel, however, that any process that appears internal will establish needed credibility with the public.

It appears that the Office of the Children's Advocate could contribute by insuring a child death review processes that is thorough and credible, and that resulting recommendations are acted on.

We also believe that it is important to look at what should be learned through investigating the deaths of children involved with government services. It was pointed out that if you want to know if good decisions are made about who receives protection and care, you should investigate cases where a child dies when that child was drawn to the attention of the system but not given care. And, if you want to know if good decision are made about terminating care, you should investigate the deaths of children who have left the system. The Children's Commissioner in B.C. reports that this is where they are gaining some of their most useful insights into how the system serves or does not serve children.

Section III – The Results

The Kind of Advocate Alberta's Children Need

Earlier in this report, a central question was raised – "What kind of a children's advocate can most benefit Alberta's children?". Attempting to answer this question has provided a preferred vision for child advocacy in our province. This vision sets the overall direction for the recommendations that follow.

As this vision is reviewed and critiqued, it should be remembered that the provision of formal advocacy services for children is relatively new. There are no ideal models to show exactly how it should be done or what it should cost. We cannot simply import the perfect system from another jurisdiction. Other Canadian provinces, for example, have either no children's advocate, or they have an advocate service that has been shaped to fit significant staffing and budget limitations. The net result is that if Alberta is to seek the best possible model for advocacy, it must set its own path. We can learn a great deal from the very different styles of advocacy used elsewhere, but it comes down to taking our own careful and thoughtful steps forward.

Becoming comfortable with a preferred vision of children's advocacy requires that policy makers and service providers come face to face with what they really believe about supporting young people in their quest to find a valued and respected place in society. For example, if a young brother and sister are both subjected to abuse and neglect, one may naturally respond by becoming depressed and suicidal, while the other may lash out with anti-social behaviour. Is the young person who becomes anti-social less deserving of basic food and shelter? Is it more acceptable for government employees to humiliate the more aggressive sibling or treat them with disrespect? Are they less deserving of education, treatment or rehabilitation services just because they are a less sympathetic character and harder to deal with? If they break the law, what rights do they lose, and what rights should they keep?

There are many challenging issues at the heart of decisions made every day by social workers, school principals and staff in young offender facilities. The bottom line is that advocacy for children is based on values and beliefs that are central to our society. It was made absolutely clear in this review that the vast majority of Albertans who work with vulnerable and high risk children want those children treated with concern, support and respect.

Advocacy is a Shared Responsibility

Building a preferred vision of child advocacy also means answering a series of difficult questions about who holds responsibility for supporting, protecting and speaking up for children. Some of these questions have been noted earlier, but they are worth remembering here.

- What is the advocacy role of parents and other family members?
- What is the advocacy role of professionals in schools, youth justice, child welfare, mental health, etc.?
- What contribution to advocacy can, and should, be made by non-government organizations addressing children's issues and special needs children?
- How do we decide which children are most in need of assistance from an advocate service?
- If we have government employees as advocates for more and more children, do we promote the mindset that speaking up for children is the government's job, and not the responsibility of individuals and groups in the community?
- What should be done to make the organizations serving our children more child focused and child friendly, so that there is less need for outside advocates?
- Is it the job of a children's advocate to encourage and support the advocacy work of others?
- How can a children's advocate become a more credible and effective player at the systemic level?
- How much is a children's advocacy service worth to us as taxpayers, and as people who understand that the money could also be used to address other important needs of children?

Having considered all of these questions in light of the input to this review, the review team's vision for child advocacy in Alberta is as follows.

1. MANDATE FOR INDIVIDUAL ADVOCACY: Advocacy for individual children, as provided by the Office of the Children's Advocate, should be available to the children and youth in Alberta who need it most. These are children and youth who are a) at high risk, b) unlikely to have access to effective parental support, and c) receiving, or in need of, a high level of government intervention or support to ensure their current and future wellbeing. Applying these criteria means going beyond the current mandate in child welfare to assist other groups of children.

2. QUALITY OF INDIVIDUAL ADVOCACY: When the office of the Children's Advocate is asked to assist in an individual case

covered by its mandate, it should have the capacity to respond quickly, and to give the young person close one-on-one attention either on the phone or in person. The Children's Advocate should never be allowed to become another government service that is too busy to give children the time and respect they deserve. In addition, the Children's Advocate should strive to mange the tension that is inherently involved in individual advocacy, and always work to build positive relationships with the organizations that serve children. This is critical to the children being served because these organizations can either encourage or discourage access to the Children's Advocate.

3. SUPPORT FOR INDIVIDUAL AND COMMUNITY ACTION: The Office of the Children's Advocate should go beyond direct case advocacy and become an organization widely known for encouraging and facilitating advocacy by youth, parents and families, youth serving professionals and community organizations. This is a new role that will require additional skills and resources. Such an approach can assist thousands of children who are either able to advocate for themselves, or likely to have adult support. The tools for providing the information, coaching and encouragement needed for individual and community advocacy are social marketing and communication, telephone and website assistance, and project funding.

4. A VOICE FOR CHILDREN WITHIN ORGANIZATIONS: The Office of the Children's Advocate should regularly gather information on how children and youth view the experience of being in the care or custody of specific organizations and facilities. The goal should be to ensure that the Advocate can realistically understand, and report on, the day-to-day experience of being a client of a specific group home, residential facility, child welfare office, etc.. The Advocate's primary interest would be to ensure that all organizations serving high risk children promote a respectful environment for their clients, and have internal processes to ensure fair treatment and complaint resolution. The Advocate's commitment to seeing issues through the eyes of children makes them uniquely suited to this function. Reports prepared by the Advocate on specific organizations and facilities would be useful tools for program managers and government departments concerned with program evaluation and improvement.

5. AWARENESS AND ACCESS: The Office of the Children's Advocate should make its services available to all children and youth covered by its individual case advocacy mandate by:

a) establishing offices closer to rural and northern communities,
b) building positive relationships with First Nations and organizations serving high risk youth, and
c) communicating more effectively to raise awareness of its services.

6. LEADERSHIP IN SYSTEMIC CHANGE: The Children's Advocate should become a more visible and credible leader in efforts to improve the overall network of programs and services offered for children and youth. This means being seen as an objective observer of the policies, programs and services that impact children, and as an agent that can effectively bring the child's point of view to the government, to policy makers, to planners, to front line services and to the public. The Children's Advocate should strike a balance. On one hand it should be an ally to all individuals and organizations seeking positive change for children, including the government and government departments. On the other hand, it should not shy from speaking out on situations that have important negative effects on Alberta's children. In all of its work on systemic issues, the Children's Advocate has a responsibility to go beyond being a critic, and be a contributor of new ideas and insights that can help children.

RECOMMENDATIONS ARISING FROM THIS REVIEW

This review has resulted in the following recommendations. These recommendations ratify the importance of the Office of the Children's Advocate, and acknowledge the significant contribution it has made to the lives of vulnerable children. These recommendations also call for the Children's Advocate to take on new challenges and extend its reach through new ways of operating. Implementing these recommendations will require changes in the legislation that governs the Office of the Children's Advocate, and if these recommendations are implemented, the Children's Advocate will need time to adapt, develop new skill sets, and work out the relationships, protocols and staffing needed to function in these areas.

An important definition: In these recommendations, the phrase "services under the direction of the provincial government" refers to either: a) programs and services controlled by the policies and regulations of provincial government departments and agencies (e.g., child welfare services of CFSAs and their contracted agencies, education sector, health sector), or b) programs and services run

directly by provincial government departments and agencies (e.g., young offender institutions, AADAC youth services).

Part 1 - Mandate for Individual Advocacy

Recommendation 1 - A

There should be a carefully controlled and phased-in extension of the mandate for individual advocacy as identified in recommendations 1 – B through 1 - F. These are groups where many children meet the previously mentioned criteria for inclusion, i.e., they are a) at high risk, b) unlikely to have access to effective parental support, and c) receiving, or in need of, a high level of government intervention or support to ensure their current and future wellbeing. For each of these new client groups, additional thought and planning is required. It will be important to identify both practical and legal limitations that will apply to the advocacy work. For some groups, it will be important to define the circumstances under which direct intervention by the Children's Advocate would be available. In cases where children are living with parents, there are important questions regarding the rights of those parents, and what an advocate can and cannot do. In addition, it is important to build relationships in these service areas and work out protocols for Children's Advocate involvement before advocacy service is made available. Extending the mandate should not cause the quality of advocacy to deteriorate below what is currently provided to children in child welfare.

Recommendation 1 – B

In the first phase of expanding the mandate, individual advocacy services should be extended to include **children being considered for entry into child welfare** (including those who were previously in the system but have had their files closed).

Rationale: The Children's Advocate currently deals with some of these cases, but they are formally not in the mandate. Participants in this review repeatedly raised concerns that there are factors that keep children out of the child welfare system when they need the protection and support it is meant to provide. In the opinion of the review participants, these factors include: inadequate investigations, budget pressures, inexperienced social workers, a bias against teens with difficult behaviours, and a tendency to block access to child welfare for older teens. The experience of the Children's Advocate has shown that in a significant number of cases, the decision to refuse child welfare status is changed when the Advocate becomes involved. There

may also be cases where a young person seeking an alternative to child welfare could benefit from support from the Children's Advocate.

Recommendation 1 – C

In the second phase of expanding the mandate, it should be confirmed that **once a child is eligible for service from the Children's Advocate, the Advocate can act for that child in any system under the direction of the provincial government**. For example, a child in child welfare should be able to have the Advocate assist them in dealings with the health, mental health or education systems. This mandate extension should be clearly communicated to key players in these other systems, and protocols and understandings should be in place before the extension is implemented.

Rationale: Vulnerable children in one system have important decisions made about their wellbeing and futures by other systems. Currently, the Children's Advocate is on unclear ground when a child under their mandate confronts a significant problem in another system not covered by its mandate. A common example would be a youth whose need for an education is not being met because a school system will not accept him/her. This type of situation can mean that progress on helping a child in one system can be eroded by unreasonable or unfair treatment from another system.

This recommendation proposes that the mandate of the Children's Advocate be adjusted so that the Advocate's role in such cases clearly includes being able to act for the child in these other systems. In the example just raised, the Advocate would be able to assist the child in speaking with school officials, working through the school division's appeal processes, and using other avenues which may be required.

Recommendation 1 – D

In the second phase of expanding the mandate, individual advocacy service should be extended to **high needs homeless and street youth.** This should be done by backing up the street level agencies that already advocate for these young people.

Rationale: These young people effectively do not have parents to act on their behalf. They are highly reliant on provincial government services for basic human needs, education, and treatment they need to find a constructive role in life. These youth need advocacy because they can be seen as "undesirable" in the eyes of service providers, and subject to prejudicial decisions. It would be very difficult for the

Children's Advocate to reach this group on its own. Therefore, it makes sense for the Advocate to work with, and through, street agencies that already have a relationship with this population.

Recommendation 1 – E

In the second phase of expanding the mandate, the Office of the Children's Advocate should be given **case-by-case discretion to extend advocacy service to individual children** meeting the following criteria:

a) the child is facing a major problem that will significantly affect their current or future wellbeing;
b) the resolution of that problem could be assisted by advocacy regarding a decision or action taken by a system under the direction of the provincial government; and
c) due to exceptional circumstances, the child realistically has no adult willing or able to advocate for them.

Rationale: This recommendation recognizes that the Children's Advocate needs the flexibility to reach out to children in exceptional circumstances who would not normally fit its mandate. The fundamental problem in categorizing who is eligible, and who is not eligible, for the Advocate's service is that some critical situations fall between the cracks. This recommendation allows the Advocate to evaluate a specific case outside its normal mandate, and provide support if it is warranted. There are highly vulnerable young people who are not in the child welfare system, but who are effectively "on their own" because the adults they would normally turn to are unable or unwilling to assist due to addictions, mental limitations, or other factors.

Recommendation 1 – F

In the second phase of expanding the mandate, individual advocacy service should be extended to **young people apprehended under child prostitution legislation**.

Rationale: Alberta has legislation that seeks to protect young people involved in prostitution. Under this legislation, a young person can be apprehended and held in a facility for a short period of time without a court process and the benefit of a lawyer. During this time, the agencies that have intervened in the youth's life have complete control over their freedom and wellbeing. Providing these young people with access to the Children's Advocate would be an assurance to the

involved youth, to the government, and to all observers that the rights of these children are not being violated. It would also help to ensure that support and treatment decisions are made with appropriate attention to the best interests and viewpoints of the young people being apprehended.

Recommendation 1 – G

The Children's Advocate should immediately begin discussions with the youth justice system (including the Justice Department, judges and lawyers), the Ombudsman, and the broader circle of agencies serving young offenders to determine the best way to introduce **individual advocacy for young offenders**. The goal should be to introduce advocacy for young offenders in phase three of the extension of the mandate. Prior to opening advocacy to young offenders, it will be important to:

a) ensure that managers and staff are as informed and supportive as possible;
b) work with the young offender system and individual facilities to define the role of both internal advocacy and complaint processes and protocols for involvement of the Office of the Children's Advocate; and
c) ensure that the Children's Advocate has staff who are knowledgeable and credible relative to the young offender system.

Rationale: The vast majority of people who participated in this review believe very strongly that young offenders should be served by the Children's Advocate. They see very little difference between many young offenders and youth in child welfare. Both often have backgrounds of neglect and abuse and/or problems such as FAS and learning disabilities. Both groups have a serious need for effective intervention and treatment. It was also pointed out that many young offenders are in child welfare until they lose their child welfare status due to entering a young offender facility. There is a great inconsistency in that some young offenders do have child welfare status and can access the Children's Advocate while others cannot.

The need for advocacy for young offenders is supported by the first hand experience of children's advocates in other provinces who already have young offenders within their mandates. Advocates in other provinces regularly deal with young offender cases where youth have been subject to punishment that violates policies or rights, or have not been provided with proper rehabilitative measures. The goal in advocacy with young offenders is not to help them avoid their sentence, or the restrictions that reasonably come with that sentence. It is important to recognize that there are boundaries with young

offenders between what is acceptable or appropriate and what is not acceptable or appropriate. Just as in the child welfare system, it is important for the young offender system to have an independent, external body that looks at both individual cases and larger systemic issues with this distinction in mind.

During this review, the people who work with Alberta's troubled young people expressed substantial concern that young offender facilities are closed to public view. They believe some people in that closed system place their priorities on punishment rather than rehabilitation. They see the potential for the young offender system to subject young people to rights violations and unreasonable or unduly harsh punishments. They also raised concerns that the young offender system does not do a good job of providing young people with the education, treatment and other supports they need to change their lifestyle. This applies to both while they are in the young offender system and to the transition out of the system. It was beyond the scope of this review to investigate the degree to which these concerns are based in reality versus perception. However, it seems clear, based on the concerns raised and the experience in other provinces, that some significant number of problems do occur in the young offender system that could benefit from involvement of the Children's Advocate.

We heard the view from current and previous staff of the young offender system that young offenders receive adequate protection through internal complaints procedures, lawyers and the Ombudsman. However, internal processes do not satisfy the need to show those on the outside that problems faced by youth are dealt with reasonably and fairly. It is also important to note that during the review, young people with experience in young offender facilities expressed distrust for internal complaint processes and said that speaking up could easily result in retribution from staff.

There is a great deal of variation in the extent and quality of protection and support provided to youth by lawyers. In addition, lawyers tend to only be involved in a young offender's life at certain times. The Ombudsman is also available to young offenders, but the Ombudsman role is limited to matters of "administrative fairness".

The Children's Advocate needs to be available as the only external and independent voice that can advocate for young offenders to see a) that their treatment by the system is acceptable and appropriate, and b) that the system is focused on the public wish to have these young people rehabilitated and not just punished.

Recommendation 1 – H

The Children's Advocate should not move into individual case advocacy in **guardianship and divorce/custody matters** until there has been a full investigation of the need and their possible contribution.

Rationale: Such a move should only be done with full consultation with the family court judges, the lawyers and the mediators who are regularly involved in these cases.

Part 2 – Quality of Individual Advocacy

Recommendation 2 – A

All children and youth covered by the Children's Advocate's mandate for individual advocacy should be able to benefit from the Advocate's services. While organizations serving children should be encouraged to have their own "first level" internal processes that advocate for children and handle complaints, the Children's Advocate should always be available as an independent "2nd level". **In no case should any organization be allowed to be exempt** under the claim that they can provide an adequate internal advocacy process that eliminates the need for an independent, external advocate.

Rationale: On a few occasions during this review, the idea was raised that specific institutions, First Nations child welfare authorities, and regional Child and Family Service Authorities should have the right to establish their own child advocacy processes and no longer be included in the mandate of the Children's Advocate. When this issue was discussed, it was clear that most review participants opposed this concept. Such a situation would leave children vulnerable to internal abuses with no recourse. All children designated under the Advocate's mandate deserve the support and protection of an independent advocate.

Recommendation 2 – B

The Children's Advocate should refine its operating procedures based on feedback provided to this review with the goals of improving a) understanding of its role, b) its relationships with CFSAs and agencies impacted by its services, and c) its specialized knowledge of children's needs (e.g., children with disabilities, children with mental health problems). Special Note: To facilitate this adjustment, the review team will be providing a list of concerns and suggestions separate from this report.

Rationale: Most people who had direct experience with the Children's Advocate made positive comments about how Advocate staff performed. However, there is an inherent tension in advocacy work. A significant number of people (primarily child welfare workers and supervisors) had serious complaints that revolved around a) misunderstandings about what the Advocate would or would not do, b) confusion about the Advocate's role (i.e., helping to express the child's viewpoint versus working in the child's best interest versus seeking a specific outcome in a case), and c) the tendency for cases involving the Advocate to become adversarial and time consuming. While the focus of this review was larger questions about the Advocate's mandate, the input on day to day operations was an extremely valuable source of insight that the Advocate should use to better its services. Therefore, the review team has prepared a separate summary of the concerns that were raised, and included suggestion for improving procedures and building more positive relationships with front line children's services organizations and staff.

Part 3 – Support for Individual and Community Action

The Children's Advocate should not abandon high risk children who are more likely to have parents available to help them than children covered by the individual case mandate. For children not eligible for individual case advocacy, it is proposed that the Advocate take the role of facilitator. Instead of providing individual advocacy directly, the Children's Advocate should put systems in place to allow teens, parents and others to advocate more effectively themselves.

Recommendation 3 – A

The Children's Advocate should be provided with the necessary staff and resources to **establish, promote and evaluate a web-based and phone in system that allows all Albertans to quickly**

determine how they can assist children and youth experiencing problems with government departments, and regional and local services. This system should specifically include school divisions, services for disabled and handicapped children, and income support. This system should explain where to go for help, and provide information and contacts for complaint and appeal processes. It should also include coaching on how to represent children effectively, and how young people can effectively speak up for themselves. All youth-serving organizations, under the direction of the provincial government, should be required to submit and update information for this system. If evaluation of this system proves that it is not effective after five years, consideration should be given to other approaches including additional extensions of the individual advocacy mandate.

Rationale: Sooner or later, many young people will come up against a problem with a bureaucracy or institution, and may need help with advocacy. In some cases, these problems will involve decisions or actions that will seriously affect the young person's life. However, providing a professional advocate in every instance is inefficient and probably unnecessary. In this review, participants repeatedly said that when people have problems with organizations like schools and social service agencies, they do not know who to contact, or how to complain or appeal. This type of system would make it much easier for people to get the information and coaching they need. The Children's Advocate should encourage adults who support kids to speak up for them. It should also encourage capable young people to learn to advocate for themselves.

Such a system would also allow the Advocate to gather data regarding the kinds of problems children and youth are facing in all of the systems they use. This information would be very useful to the Advocate in systemic advocacy with the organizations whose practices result in multiple contacts to the phone line and website.

Recommendation 3 – B

What will and will not work in the area of natural advocates is not clear. The Children's Advocate should therefore have a small fund (e.g., $100,000) to encourage community groups to engage in **pilot projects that test various models for making natural advocates a viable force** for protecting the rights, interests and viewpoints of children.

Rationale: One of the best ways to protect the rights and interests of children is to surround them with people who are willing to step forward on their behalf. There is a need to learn more about how to

motivate and maintain the involvement of natural advocates such as relatives, foster parents, older youth, elders and community volunteers.

Part 4 – A Voice for Children Within Organizations

Recommendation 4 – A

The Office of the Children's Advocate should proactively gather information on the experiences of children in specific organizations and facilities covered by its mandate for individual advocacy. This should be done through interviewing and research methods that are appropriate to the children and youth involved, and clients and staff should have an opportunity to safely voice concerns that they might not otherwise express. The focus should be on the fair and reasonable treatment of young clients, and on the development and provision of internal advocacy and complaint mechanisms that clients and other concerned individuals can trust. This process would allow the Children's Advocate to build relationships with children's services outside of the sometimes contentious business of individual case advocacy.

This proactive work with children would provide the Advocate with a more complete and objective look at how children experience programs and services. It would also position the Children's Advocate as an ally in the process of service improvement, and a resource to staff, and those responsible for service standards and program management. Selection of organizations for these "client perspective" reviews would occur in three ways.

1. An Advocate's report on client experiences could be requested by those responsible for management, standards or evaluation.
2. The Advocate could select organizations for review based on a pattern of complaints.
3. The Advocate could regularly review all organizations covered by its mandate on a systematic or random basis.

This would be a new role for the Children's Advocate, and they would have to develop the capability to effectively meet its requirements. Ideally, they would also be able to consult with on-site staff and managers to resolve identified problems, provide training, and introduce procedures that have been successful in other facilities and services.

Rationale: One of the most disturbing findings of this review was the large number of young people who felt they had no one to turn to when they were upset about how they were being treated by social workers and staff in child welfare facilities. Many young people see child welfare and other services as having a large wall between staff

and clients. They feel young people are often treated with an uncaring and disrespectful attitude, and that raising concerns is difficult.

It is important for the Children's Advocate and program managers to work together to improve this situation. The Advocate can offer techniques for getting a better picture of how children feel about their day-to-day experience "in the system" or in a facility. They can also offer knowledge of approaches that have been successful in other programs. Emphasis should be on building organizations that create an environment of respect for young clients, and an atmosphere where children and youth feel they have people who will listen, who care, and who they can trust to help them resolve problems.

Part 5 – Awareness and Access

Recommendation 5 - A:

The Children's Advocate should be given the ability to establish a closer working relations with CFSAs, agencies, and Aboriginal and non-aboriginal communities in rural and northern Alberta through increased staffing and the establishment of **an expanded network of offices**.

Rationale: In rural and northern Alberta, it is important for Advocates to know each community well enough to know the service possibilities and limitations that apply to children and youth. For example, children and youth in small towns often do not have the option of 'starting over' with a different school, agency program or therapist as they can in large cities. The Children's Advocate must assist the young person within the possibilities of the community in which they live. In addition, being known and trusted is essential in some communities; this is especially true with First Nations. The Children's Advocate currently experiences many problems with being able to work with First Nations children. In part, this is because it is hard to develop understanding of communities and build trust when distances are long and visits are infrequent. Placing staff within a reasonable one day drive of most communities would give the Advocates the ability to build the necessary relationships.

Recommendation 5 – B

The Children's Advocate should continue its efforts to **add Aboriginal staff** so that the ratio is more in line with the percentage of Aboriginal children in the systems the Advocate serves. Following from previous

recommendations, the Advocate should use the opportunity provided by a network of rural and northern offices to establish pilot projects that **explore building closer relationships with Aboriginal communities,** thus achieving a greater opportunity to serve Aboriginal children.

Rationale: Strong relationships among service providers and Aboriginal communities is the key to successfully working with Aboriginal children and youth. First Nation and Metis groups need time and experience to trust Advocates and open doors for their children. As well, these children need to see adults of their own culture in the role of advocates. While urban Aboriginal youth clearly expressed wanting to work with an adult that was effective regardless of race, they felt it was good to have the choice of an Aboriginal or non-Aboriginal advocate.

Pilot projects with Aboriginal communities should acknowledge cultural differences and look for ways to make both adults and children more comfortable with the process of advocacy. This may involve the use of cultural symbols, meeting practices, and specific roles for significant people in the community.

Recommendation 5 – C

All professionals, foster parents and organizations (agencies, schools, etc.) working with children covered by the individual advocacy mandate of the Children's Advocate should receive regular communication to keep them aware of the Advocate and its services. There should also be a greater effort to insure that all children covered by the mandate (and/or their parents depending on age and disability) are informed about, and periodically reminded of, the Advocate's services. The Children's Advocate should have a **communications staff position and a budget** to allow this to happen, and to build understanding of, and support for, children's advocacy. If such communication results in a significant increase in the Advocate's case load, staffing should be adjusted to compensate.

Rationale: Time and time again the review team heard that before participating in the review consultation meetings, many people who worked with high risk children and youth had never heard of the Children's Advocate or did not understand its services. From the discussions with youth in care, it was also clear that procedures to keep them aware of the Advocate's services are not thorough or consistent across the province. There was disturbing evidence that some (hopefully only a few) social workers and supervisors prefer to

avoid referrals to the Children's Advocate. It would be expected that they would not be likely to promote availability of the service.

Communicating with the many young people, professionals, volunteers, and foster parents who need to know about child advocacy in Alberta will require time, communication expertise, and the funding to produce materials and place ads in newsletters and professional publications. The result should be a strategic communication program that creatively and measurably raises awareness of the Children's Advocate among all groups.

Part 6 – Leadership in Systemic Change

Recommendation 6 – A

The Children's Advocate should be established as a more visible and more credible voice for children, and have a broader role in contributing to improvements in all systems that affect their wellbeing. This should be accomplished by:

d) extending the Children's Advocate mandate for systemic change to include the full network of systems that affect children and youth;
e) providing the ability to investigate, report on, and make recommendations on all provincial government systems and all important issues that impact the wellbeing of Alberta's children, and to require organizations to provide information on how they are responding to the Advocate's recommendations; and
f) having the Children's Advocate report to the Legislature in a manner similar to the Ombudsman and Auditor General.

Rationale: As discussed earlier in this report, high risk children in our province are not just involved in one system such as child welfare. They go to schools, rely on health services and may need income support for their family, child protection services, services for the disabled and intervention by the legal system. Participants in this review made it clear that these children are affected by serious systemic problems that stretch across this whole network of services. In some cases, the systemic problems are within specific service areas (i.e., departments, organizations or regions). In other cases, they involve systems not working together and allowing children to fall between the gaps. Within this picture, there is a very high level of skepticism regarding the commitment of government departments to address important child related concerns, and make programs and services more child focused and child friendly.

There is a strong belief that the Children's Advocate needs to be able to stand back and view the entire system of policies and programs that impact Alberta's children, and be an effective voice in working for change within those systems. There is a clear call for the Children's Advocate to be more visible, and more able to speak without government interference, or the perception of government interference. People want a Children's Advocate that has the capacity to look into issues affecting children, and cause those with the ability to make changes to pay attention.

The Advocate's association with the child welfare system has likely had a negative impact on its credibility. Most participants in this review did not trust that relationship, and felt it was not likely that the Advocate could speak honestly about the child welfare system. There was also concern that in some people's minds, the Advocate is just part of the system and not truly working for children. This may be particularly true among some Aboriginal people who have a real fear of the government child welfare system and everything associated with it. It is also possible that clearly separating the Advocate from Children's Services would help to remove it from the political controversies that can interfere with relationships among the Children's Services Ministry, Child and Family Service Authorities and First Nations.

Having considered all of these factors, it appears important for the Children's Advocate to have a credible identity, which in the perception of the average citizen and all concerned stakeholders, is distinctly separate from government and government departments.

Recommendation 6 – B

The Children's Advocate should have a role in protecting children from deaths or serious injuries that could be prevented by improved policies and programs in areas under the direction of the provincial government. **Alberta should have a credible, independent system to review children's deaths**. Depending on available resources, this system could review either all unexpected children's deaths, or the deaths of all children who have had any contact with government services that could have, or possible should have, affected their wellbeing. This review system should look at **the full circumstances of the child's life and death** to determine how such tragedies can be prevented, and there should be **a mechanism to follow up on recommendations** resulting from such reviews. This independent review process should also be available to examine situations where children currently under the care of the government receive serious injuries. These reviews should be carried out by a specially staffed

unit of either a) the Office of the Children's Advocate, or b) the Medical Examiners Office with the Children's Advocate participating in analyzing the patterns and implications. The Medical Examiner would continue to have the option of going to a fatality inquiry. Government departments would continue to use their own review processes to meet needs not met by these independent reviews. This would include Special Case Reviews which are internal to Children's Services.

Rationale: Governments dedicated to improving services for children should be concerned whenever a child dies who:

a) was at risk, but was not drawn to the attention of child protection authorities,
b) was drawn to the attention of officials, but was not given care,
c) was previously in care, but died after being discharged from care, or
d) was in care at the time of death.

To learn about all four of these situations, it is necessary to review all unexpected deaths of children. The last three categories can be examined by looking at deaths of children who come to the attention of officials, whether they received care or not.

Currently, the Medical Examiner is supposed to be notified whenever a child dies who is in "the care or custody" of the government. However, this does not cover a, b or c above, and it does not cover many children receiving care "from" the government, e.g., child welfare cases handled under support agreements. In addition, the Medical Examiner does not routinely have full information on the life circumstances of the child, such as whether they were receiving counseling, had threatened suicide, had been previously abused, etc.. A full look into the circumstances of a child death can be achieved through a Fatality Inquiry, but this only occurs in some cases.

Actual and perceived independence in death reviews is essential. Current processes, including Special Case Reviews within the Ministry of Children's Services, do not appear objective because the decision to review, and most of the participants in the review, are internal to the system. For example, if a child in the child welfare system dies, the people responsible for providing the information that will affect the decision to conduct or not conduct a Special Case Review are the workers, supervisors and managers closet to the case, i.e., the people who potentially have the most reason to want to hide something. An external, objective child death review process is the only way to secure public and professional confidence in a system designed to learn from these tragic situations and prevent similar occurrences.

CONCLUSION

The recommendations included in this report are intended to provide Alberta's children with a high quality system of advocacy. The goal has been to blend approaches for the best overall results. In cases of the highest need, the Office of the Children's Advocate will act directly on a child's behalf. In other cases, the emphasis shifts to building the capacity to advocate in families, in community organizations, and in young people themselves.

An additional goal has been to give the Children's Advocate both real and perceived independence. It is vital that it be a highly credible voice for systemic improvement, and that it be known and trusted by people who are normally skeptical when it comes to the child welfare system and other services for children. Credibility with young people, professionals, parents, First Nations and political leaders is the foundation that can allow the Children's Advocate to be an effective voice for children.

Hundreds of millions of dollars are spent to provide services for Alberta's children. This includes funds for education, health, child welfare, youth justice, children's disabilities, mental health problems and other concerns. It seems reasonable to designate some very small percentage of this expenditure to make sure that someone is listening to the ultimate client. Children need a voice at both the individual level and the policy and strategic planning level. Knowledgeable people across the province have used this review to point out the great extent to which systems can lose their focus on children. If we want individual children to get past problems and not be defeated by them, it makes a great deal of sense to have someone there to affirm that they have rights, that they deserve respectful treatment, and that solutions can be found. When systems mistreat young people who need help, those young people move one step closer to life-long problems and one step further away from the chance to improve their situation. Advocacy for our children and youth recognizes the harsh reality that the systems that are supposed to help can also harm.

The recommendations would require that the very small percentage of the funding that goes to the Children's Advocate be significantly increased. However, in the overall scheme of children's programs and services, the investment would remain a small fraction of one percent. In exchange for the increase, there is a challenge to reach out to a

number of children that would be many times greater than those served now. This will require changes in the process of advocating for children, and exploration of new thinking and new approaches. What should not change is the underlying principles of child advocacy, and the attention to the most vulnerable children who need to be given time, support and a sense that they truly matter.

Review of the Office of the Children's Advocate (OCA)
Four Key Areas for Discussion

1. CURRENT MANDATE – Individual advocacy in child welfare

When do children and youth in child welfare need someone to make sure that people are paying attention to their rights, interests and viewpoints?

What are the strengths and weaknesses of the current work of the Children's Advocate?

How could the OCA's work with individual children in the child welfare system be improved?

Which groups of children might benefit from a different style or system of advocacy? How would it differ?

Should "natural advocates" (relatives, volunteers, elders, community level groups, etc.) be more involved in advocating for children? If so, how?

2. CURRENT MANDATE – Systemic advocacy in child welfare

What are the strengths and weaknesses of the OCA's current approach to working for improvements in the system?

When it comes to working for change in the child welfare system what is the role of a) the OCA, b) the Ministry of Children's Services, and c) each children's authority?

How could the systemic advocacy of the OCA be improved?

To whom should the OCA be accountable? To whom should the OCA report?

How should the OCA be involved in reviewing the serious injury or deaths of children?

3. POSSIBLE MANDATE EXTENSIONS – Individual advocacy for other "at risk" children

Which systems under the direction of the provincial government make important decisions about the lives of individual children? What kinds of problems do children (and possibly their families) face when it comes to dealing with these systems?

In which of these systems would children benefit from having an advocate who would insure that their rights, interests and viewpoints were heard and considered? Should that advocate be the OCA or some other group?

If the services of the OCA were extended to new groups of children, which groups would be the top priorities? Why?

Should advocacy be available to all "at risk" children in Alberta? How would you define "at risk" in this case?

4. POSSIBLE MANDATE EXTENSIONS – Systemic advocacy for other "at risk" children

Answer the following questions for each system where you think children would benefit from the services of an advocate.

What are the attitudes, practices, or limitations that can cause this system to not respect, or not attend to, a child's rights, interests or viewpoints?

Who advocates for children in this system now? Who is responsible for keeping the system child focused and child friendly? Do they do an adequate job?

How would a children's advocate work to improve this system? How would they gather information on problems in the system that work against the wellbeing of children?

If there was a children's advocate for this system, to whom would they be accountable? To whom would they report?

YOUTH DISCUSSION GUIDE – Review of the OCA

Introduction – Set a relaxed, friendly tone. Discuss the following points:

- Who you are … part of a team that has been asked by the Minister of Children's Services to look at the strengths and weaknesses of the Children's Advocate. For those who don't know about the Children's Advocate, say you will explain a bit later.

- That the Minister is the person "in charge" of the child welfare system, and has the ability to influence all government services for kids. That this is a rare chance for them to say things that will be reported directly to her. That our team will be talking to groups of kids all over the province, and what they say will be passed on to the Minister.

- Let them know that what they say as individuals is totally confidential.

- Let them know that what our team learns as it travels around the province will be summarized in a special report back to the kids who helped out. So, they will be able to see what they and other kids said, and how we passed it on to the government, and other people who have a say in how children's services are run. Copies of this report will be sent to their agency for them to read.

Warm-up – Spend a few minutes getting the kids to introduce themselves. Ask them about the agency, where they come from, what they like to do, etc.

Issues for Discussion – The focus is on their experiences in the system

1. Ask if anyone has ever heard of the Children's Advocate (i.e., before being asked to this meeting). When did they first hear about it? From whom? Do they remember what they were told?

2. Explain the Children's Advocate. Currently, only for kids in child welfare. The Advocate can be called into help when …

3. Ask the group to talk about the system they are involved with now (child welfare, young offenders, etc.). Have there been situations where they were frustrated or upset because adults -

a) were not listening to them,
b) didn't respect them or their viewpoint,
c) were making important decision about them they did not like, or

d) were not providing things that kids needed or deserved.

What were those situations like? What happened?

4. Ask if they have ever been in similar situations in other places/systems. Go through a, b, c, d again to remind them.

"How about in school? How about a time when you needed medical help (e.g., needed to see a doctor, or get glasses, or dental care)."

Ask about any other system they have been involved with.

Get them to explain the situations.

5. Ask if they can remember any situations where an adult was trying to help them, but had similar problems, i.e., they were frustrated or upset, nobody would listen to them either, they couldn't get the help or information they needed. (Note the adult could have been their parent, another relative, a worker, a teacher, etc.)

6. Ask if they have any ideas for making the organizations that work with kids more considerate of their rights, opinions and needs. Are there ways that kids could help make these organizations more "youth friendly"?

7. Ask if anyone in the group has ever had someone from the Children's Advocate help them. How did the advocate get involved? What was it like? How did the Advocate treat them? What was good, or not so good, about the experience? Did the Advocate help them?

8. Ask if there are other people that they tend to turn to when social workers, agency staff, school principals, etc. are making decisions that they find upsetting or frustrating. Have they found that certain people will listen to them? Who have they found to be helpful in these situations?

Thank everyone for taking part. Remind them that this is an important chance to influence services for young people. **Hand out the contact cards**, and let them know that any other ideas they have will be welcome. Written comments they send in will be treated confidentially, i.e., no one else will know what they have said. Let them know that they can ask others to write to us if they think of anyone else who might want to contribute their ideas.

Summary of Review Consultations

Regional consultation workshops were held in18 locations across Alberta. Typically two workshops and a youth focus group were held at each location. Participants represented a broad cross-section of both Aboriginal and non-Aboriginal child and youth programs and services.

In addition to the regional consultations, input was gathered from meetings or interviews with the following organizations and individuals:

AADAC Youth Services (Calgary)
AADAC Youth Services (Edmonton)
Aboriginal Co-Chairs of Child & Family Services Authorities
Aboriginal Community Agencies at Friendship Centre Edmonton
Aboriginal Liaison Managers for CFSAs
Alberta Association for Community Living
Alberta Association of Registered Social Workers
Alberta Association of Services to Children and Families
Alberta Children's Hospital (Child Abuse Program-Calgary)
Alberta Children's Services
Alberta Learning
Alberta Foster Parents Association
Alberta Health
Alberta Justice - Young Offender Branch
Alberta Mental Health Board
Alberta Mental Health - Children and Adolescents
Alberta Ombudsman
Alberta Youth In Care and Custody Network
Alexander First Nations Child and Family Services
Aspen Family and Child Network (Calgary)
Auditor General Alberta
Blood First Nation Child and Family Services
Boyle Street Co-op
Calgary Rockyview CFSA
Calgary Siksika Child and Family Services
Canadian Mental Health Association
CARE - Child Abuse Review and Education Committee (Calgary)
CEO's of Child & Family Services Authorities
Cooney, Glenda - Assistant Children's Advocate Saskatchewan
Edmonton and District Foster Family Association
ECCAN (Edmonton)
Findlay, Judy - Chief Children's Advocate Ontario
Fort Chipewyan Aboriginal Representatives
Greshner, John - representing the B.C. Children's Commissioner
Hendricks, Sue - lawyer
Herbert, Margot - U of C, Department of Social Work
Hobemma - Eunice Lewis
Informal Group re: Child Death Issues (Edmonton)
Information and Privacy Branch of Alberta Human Resources and Employment
Kainaiwa Boys Ranch
Kainaiwa Child and Family Services
Kewatin, Lyle - Diamond Willow Aboriginal Co-ordinator
Lac la Biche Youth Assessment Centre

LaFrance, Dr. Jean - Past Alberta Children's Advocate
Ma' Mowe - Capital Region managers
Meade, Bill - CEO of Calgary Rockyview Child & Family Services Authority
Meade, Paddy - AADAC CEO
McMaster, Laverna - Aboriginal Liason, Children's Services
Native Counselling Services Grande Prairie
North Peace Tribal Council High Level
Nutter, Dr. Richard - Professor Emeritus
Office of the Chief Medical Examiner (Calgary)
Office of the Chief Medical Examiner (Edmonton)
Office of the Children's Advocate
Office of the Ombudsman, Legislative Assembly, Province of Alberta
Parker-Lowen, Deborah - Children's Advocate Saskatchewan
PDD - Persons with Developmental Disabilities
Peigan First Nation Child and Family Services
Preston, Joyce - Family and Child Advocate B.C.
Psychologists Association of Alberta
RCMP (Calgary)
Region 18 - Metis Settlements
Siksika First Nation
Sloan, Linda - Liberal MLA
Stepping Stone Agency (Edmonton)
Stony Plain Boys and Girls Club
St. Paul Group Home
Sunchild Reserve
Tyler, Paula - Deputy Minister Children Services
Walter, Berdt - Past Alberta Children's Advocate

Some of the articles, reports and other readings that helped shape this report:

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Alberta's Official Opposition (1998) *Vulnerable Children in Alberta: Advantaged or Abandoned?* Edmonton, Alberta

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Hudson, P. (1997) *First Nations Child and Family Services: Breaking the Silence.* Canadian Ethnic Studies/Etudes Ethniquqes au Canada, Vol. 29: No.1, pp. 161 - 170.

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Thomas, N., O'Kane, C. (1998) *When children's wishes and feelings clash with their 'best interests'.* The International Journal of Children's Rights, Vol 6, pp. 137 - 154.

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